IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

WP(C).No. 35989 of 2007(H)

PETITIONER:

S.MANILAL, AGED 42 YEARS, S/O.K.SUKESAN, AGRICULTURAL OFFICER, KRISHI BHAVAN, MARARIKULAM SOUTH, ALAPPUZHA DISTRICT, PRESENTLY RESIDING AT KESAVA NIVAS, ONNINMOODU, BHOOTHAKULAM P.O., TRIVANDRUM DISTRICT.

BY ADV. SRI.V.VENUGOPALAN NAIR
SRI.C.UNNIKRISHNAN (KOLLAM)

RESPONDENTS:
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1. **THE DIRECTOR OF AGRICULTURE, AGRICULTURE DIRECTORATE, VIKAS BHAVAN, THIRUVANANTHAPURAM.**

2. **THE PRINCIPAL AGRICULTURAL OFFICER, ALAPPUZHA.**

BY GOVERNMENT PLEADER SRI.BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P (C) No. 35989 of 2007

Dated this the 5th December, 2007

J U D G M E N T

The petitioner is aggrieved by Exhibit-P1 order of transfer issued by the Director of Agriculture transferring him from Nedumudi to Malappuram and requiring the Principal Agricultural Officer, Malappuram to post the petitioner in the existing vacancy. A reading of Exhibit-P1 order would show that apparently the transfer is in consequence of the Principal Agricultural Officer, the 2nd respondent making allegations of insubordination, dereliction of duty and negligence on the part of the petitioner in discharge of his official duties.

2. Learned counsel for the petitioner Mr. V.Venugopalan Nair submits that firstly Exhibit-P1 order is bad in law because it seems to be a transfer by way of punishment. Secondly and I think a more important contention is that the transfer effected under Exhibit-P1 is from Nedumudi Krishi Bhavan, where petitioner was earlier working, to Malappuram District. At the same time, according to the petitioner he is now working in Mararikulam and if therefore the petitioner has already been transferred from Nedumudi to Mararikulam and he is no longer working in Nedumudi Krishi Bhavan, there is no reason why he should be transferred to Malappuram District even if the Director thought it fit to take cognizance of the report stated to have been given by the Principal Agricultural Officer, Alappuzha. Petitioner has brought his grievance to the notice of the

Director by Exhibit-P2.

After having gone through Exhibit-P2 as well, I am of the view that the Director may consider the points highlighted by the petitioner in Exhibit-P2 series and take a decision thereon, within four weeks from the date of receipt of a copy of this judgment. If the petitioner's request for cancellation of Exhibit-P1 is not accepted by the 1st respondent, it is open to the petitioner to take appropriate proceedings in relation to Exhibit-P1 and the order which will be passed by the 1st respondent on Exhibit-P2 pursuant to the directions of this Court. Petitioner shall be heard by the 1st respondent before a decision is taken in this regard. In the course of taking a decision on Exhibit-P2, the 1st respondent shall also consider whether the petitioner could be given a posting under an officer other than the Principal Agricultural Officer, Alappuzha, in any other station nearer to Alleppey.

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007